

### **REMARKS**

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-15 are pending in the application. Several claims have been amended to improve claim language. The amended claims find solid support in the original specification, e.g., paragraphs 0030, 0034 of the published application. No new matter has been introduced through the foregoing amendments.

The sustained art rejections relying primarily on *Walton* are noted. Applicants respectfully traverse the rejections *as formulated in the Final Office Action* for at least the reasons detailed in the previous Amendment, e.g., at page 7, the last two full paragraphs. Applicants note that the Office has not responded to this argument in the Response to Arguments section of the Final Office Action. Clarification is respectfully requested. Until and unless satisfactory clarification is provided, Applicants respectfully submit that the rejections *as formulated in the Final Office Action* are improper and should be withdrawn.

Solely for the purpose of expediting prosecution and without being necessitated by the rejections *as formulated in the Final Office Action*, Applicants have reviewed the *whole*, lengthy disclosure of *Walton*, and make additional comments and/or amendments herein.

It should be noted that the claimed invention calls for transmission of random access data using OFDMA between a mobile station and a base station. *Walton* is not specifically related to random access data transmission although it does mention this aspect in the Abstract, and section X from paragraphs [0642] to [0657]. According to *Walton* at paragraph [0645] a user terminal first processes the BCH (broadcast channel) to obtain pertinent system parameters, and then sends over a RACH (random access channel) a RACH PDU (protocol data unit). A person of ordinary skill in

the art would understand that such RACH PDU is somehow similar to a preamble. However, unlike the preamble of the claimed invention which is sent over a separate preamble transmission channel, the RACH PDU is explicitly disclosed by *Walton* as being sent over the random access channel.

Therefore, the reference does not teach or suggest the newly added feature of the independent claims that two different channels are involved, i.e., “the data transmission channel over which the random access data is transmitted from the mobile station to the base station is different from the preamble transmission channel over which the preamble is transmitted from the mobile station to the base station.” By transmitting the preamble over a separate preamble transmission channel, embodiments of the claimed invention overcome the disadvantage of the known art which, like *Walton*, sends the preamble and data over the same random access channel which, in turn, is an inefficient way of resource usage. See the publication of the instant application at paragraphs 0005.

The amended independent claims are therefore believed to be patentable over the applied references.

The dependent claims, including any new claim(s), are considered patentable at least for the reason(s) advanced with respect to the respective independent claim(s).

As to claims 2 and 12, Applicants respectfully submit that *Walton* does not teach or suggest the claimed fixed slot within an uplink frame for preamble transmission.

As to claims 6 and 14, Applicants respectfully submit that the newly cited and applied reference of *Ebrahimi* is non-analogous art that cannot be applied in a 35 U.S.C. 103(a) rejection. At the very least the reference belongs to the field of advertising which is not reasonably pertinent to the field of the instant application, i.e., mobile communications, or logically would have commended itself to an inventor’s attention in considering his or her invention as a whole. *MPEP*,

Serial No. 10/582,636

section 2141.01(a).I.

Each of the rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP

/Yoon S Ham/

Yoon S. Ham

Registration No. 45,307

1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
Date: July 10, 2009  
YSH/KL/jr